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EXAMINER

FRISBY, KESHA

ART UNIT PAPER NUMBER

3715

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)		
	10/718,023		LIEBERMANN, RAANAN		
	Examiner		Art Unit		
		Kesha Frisby	3715		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 11/19/2003.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-70 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-70 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The office has taken the liberty to make the claims complaint with rule 1.126.

Misnumbered claims 51-71 have been renumbered to claims 50-70. Starting with misnumbered claim 55, which is now 54, is dependent on claim 54, which is not proper. Due to the misnumbering the examiner will make claim 54 now dependent on claim 53. This is the case for renumbered claims 56, 58, 60, 61, 63, 64, 66, 68, 69 & 70. Claim 56 is dependent on 53, claim 58 is dependent on 57, claims 60 & 61 are dependent on claim 59, claims 63 & 64 are dependent on claim 62, claim 66 is dependent on claim 65, claims 68 & 69 are dependent on claim 67 and claim 70 is dependent on claim 68.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner is unclear as to what "an aggression

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group", "a neutral group" and "a pleasant group" are representing. The examiner views these different groups as consisting of anything the user what's the group to consist of. In the eyes of the public, these groups are separated based on the eyes of the beholder. Please see rejected claims 35-38 below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-9, 13-21, 26-28, 31, 32, 35-38, 42-49 & 52-55, 57-64 & 67-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagle (U.S. Patent Number**

3,831,296). Referring to claims 1 & 42, Hagle discloses providing at least one device for physically transmitting information to said handicapped person (gloves 13 & 14); and delivering a key word describing a portion of a visual image to said handicapped person using said at least one device (message via stimulator attached to gloves 13 & 14).

Referring to claims 2 & 44, Hagle discloses wherein said delivering step comprises delivering said key word in Morse code form to said handicapped person via a body part (column 1 lines 18-20).

Referring to claim 3, Hagle discloses wherein said delivering step comprises delivering said key word in Braille form to a body pm of said handicapped person (column 1 lines 6-9).

Referring to claims 4 & 45, Hagle discloses further comprising transmitting at least one physical input describing a dynamic element to a palm of said handicapped person (column 1 lines 64-column 2 line 1 & column 4 lines 56-58).

Referring to claim 5, Hagle discloses wherein said transmitting step comprises transmitting a plurality of successive elements describing a motion to said palm of said handicapped person (column 2 lines 50-53: the examiner views this limitation as the user striking a key).

Referring to claims 6 & 46, Hagle discloses further comprising transmitting a continuance signal to said palm of said handicapped person to indicate continuance of said motion (column 2 lines 50-53: the examiner views this limitation as the user is constantly striking the key).

Referring to claims 7 & 47, Hagle discloses wherein said continuance signal transmitting step comprises transmitting said signal in the form of at least one vibration and/or impact on a body part (column 1 lines 45-51, column 2 lines 50-53 & column 4 lines 47-49).

Referring to claims 8 & 48, Hagle discloses further comprising delivering information about a musical background to said handicapped person (the examiner views this limitation as the message received can have information relating to the musical background).

Referring to claims 9 & 49, Hagle discloses wherein said musical background delivering information comprises transmitting at least one of long and short physical impacts to a body part of said handicapped person (the examiner views this limitation as based on

the impact of the stimulators will determine where the impact was long or short, for example if the user holds down the key for more than one second this could represent a long impact).

Referring to claims 13 & 52, Hagle discloses further comprising providing said handicapped person with information about a state of reception of a system on which said visual images are displayed (column 3 lines 8-12).

Referring to claims 14 & 53, Hagle discloses further comprising transmitting information about said visual images to the back of at least one finger of said handicapped person (column 3 lines 27-29).

Referring to claims 15 & 54, Hagle discloses when said transmitting step comprises transmitting information about the character of a person displayed in said visual images through at least one impact to said back of said at least one finger (column 3 lines 27-29).

Referring to claim 16, Hagle discloses further comprising dividing said fingers of a hand of said handicapped person into a first group consisting of a pointer finger and a middle finger (Fig. 3: fingers 39 & 35 & column 3 lines 34-41) and into a second group consisting of a ring finger and a pinky (Fig. 3: fingers 36 & 37 & column 3 lines 24-41) and said transmitting step comprises transmitting information about a bad character to one of said fingers of said group and transmitting information about a good character to one of said fingers of said second group (Figs. 1 & 2).

Referring to claim 17, Hagle disclose further comprising designating one finger of each of said groups for receiving information about a male character and designating one

finger of each of said groups for receiving information about a female character (column 3 lines 34-41: the examiner views this limitation as for example, the middle finger 35, can be used to represent the male character and ring finger 36 can be used to represent the female character).

Referring to claim 18, Hagle discloses wherein said transmitting step comprises transmitting information about an age of a character and a personality of said character to said back of said at least one finger (column 3 lines 34-36: the examiner views this limitation as, for example, since middle finger 35, ring finger 36 and little finger 37 each have four stimulators, each stimulator can be capable of representing the age and personality of the character & column 3 lines 27-29).

Referring to claims 19 & 55, Hagle discloses further comprising transmitting information about said visual images to a front portion of at least one finger (column 3 lines 15-34).

Referring to claim 20, Hagle discloses wherein said information transmitting step comprises transmitting information about a particular group (column 3 lines 34-36: the examiner views this limitation as for example the middle finger 35 can be used to represent information about a particular group).

Referring to claim 21, Hagle discloses wherein said transmitting step comprises transmitting information about a profession of said character to said front portion of said at least one finger (column 3 lines 34-36: the examiner views this limitation as for example one of the stimulators on middle finger 35 can be used to represent the character's profession).

Referring to claims 26 & 57, Hagle discloses further comprising transmitting information about a dialogue being spoken to said handicapped person (column 3 lines 3-14).

Referring to claims 27 & 58, Hagle discloses wherein said dialogue transmitting step comprises transmitting said dialogue in Braille form to the fingertips of at least one hand of said handicapped person or by impacts describing topics (column 3 lines 3-7).

Referring to claims 28 & 59, Hagle discloses further comprising using a thumb of said handicapped person to perform control functions (column 3 lines 47 & 48).

Referring to claims 31 & 62, Hagle discloses further comprising transmitting information about at least one of female representation and cross relationships to a front portion of a pinky of said handicapped person (Figs. 1 & 3).

Referring to claims 32 & 64, Hagle discloses further comprising using said pinky to select a particular channel (little finger 37).

Referring to claims 35 & 67, Hagle discloses further comprising transmitting information about an aggression group, a neutral group, and a pleasant group to at least one finger of at least one hand of said handicapped person (column 3 lines 34-36: the examiner views this limitation as, for example, the middle finger 35 can be used to represent the aggression group, the ring finger 36 can be used to represent the neutral group and the little finger 37 can be used to represent the pleasant group).

Referring to claims 36 & 68, Hagle discloses wherein said aggression group information is transmitted to a finger of a hand column 3 lines 34-36: the examiner views this limitation as, for example, the middle finger 35 can be used to represent the aggression group).

Referring to claims 37 & 69, Hagle discloses wherein said neutral group information is transmitted to a finger of a hand (column 3 lines 34-36: the examiner views this limitation as, for example, the ring finger 36 can be used to represent the neutral group).

Referring to claims 38 & 70, Hagle discloses wherein said pleasant group information is transmitted to a finger of a hand (column 3 lines 34-36: the examiner views this limitation as, for example, the little finger 37 can be used to represent the pleasant group).

Referring to claim 43, Hagle discloses wherein said delivering means comprises means for creating at least one impact on a palm of said handicapped person (column 3 lines 15-34).

Referring to claim 60, Hagle discloses wherein said allowing means comprises a thumb cradle (the examiner views this limitation as being apart of gloves 13 & 14).

Referring to claim 61, Hagle discloses wherein said allowing means comprises a thumb sleeve (the examiner views this limitation as being apart of gloves 13 & 14).

Referring to claim 63, Hagle discloses wherein said information transmitting means comprises a pinky cradle (the examiner views this limitation as being apart of gloves 13 & 14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-12, 22-25, 30, 39-41, 50 & 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagle in view of Butnaru et al. (U.S. Patent Number

6,240,392). Referring to claims 10 & 50, Hagle discloses the method and system according to claims 1 & 42. *Hagle does not disclose further comprising transmitting information about a start and an end of a commercial to said handicapped person.*

However, Butnaru et al. teaches further comprising transmitting information about a start and an end of a commercial to said handicapped person (column 7 lines 36-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about a start and an end of a commercial to said handicapped person, as disclosed by Butnaru et al., incorporated into Hagle in order for the user to enjoy the television show by allowing the user to distinguish between the actual show and the commercials.

Referring to claims 11 & 51, Hagle discloses the method and system according to claims 1 & 42. Hagle does not disclose further comprising transmitting information about a start of and an end of an emergency broadcast test/test to said handicapped person. However, Butnaru et al. teaches further comprising transmitting information about a start of and an end of an emergency broadcast test/test to said handicapped person (abstract: indicator signals). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about a start of and an end of a emergency broadcast test/test to said handicapped person, as

disclosed by Butnaru et al., incorporated into Hagle in order to represent dangerous or cautious situations.

Referring to claim 12, Hagle discloses a method according to claim 1. *Hagle does not disclose further comprising storing information from a written indicia scrolling across a screen containing said visual image for play at another time.* However, Butnaru et al. teaches further comprising storing information from a written indicia scrolling across a screen containing said visual image for play at another time (column 2 lines 41-44 & processor 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include storing information from a written indicia scrolling across a screen, as disclosed by Butnaru et al., incorporated into Hagle in order to display the symbolic representation of the speech data.

Referring to claim 22, Hagle discloses a method according to claim 19 and transmitting information to said front portion of said at least one finger (column 3 lines 15-34). *Hagle does not disclose wherein said information transmitting step comprise transmitting information about lighting.* However, Butnaru et al. teaches wherein said information transmitting step comprise transmitting information about lighting (column 7 lines 36-67: the examiner views this limitation as the message that is received can represent what is going to on the television). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about lighting, as disclosed by Butnaru et al., incorporated into Hagle in order for the user to enjoy television.

Referring to claim 23, Hagle disclose a method according to claim 19 and transmitting information to said front portion of said at least one finger (column 3 lines 15-34). *Hagle does not disclose wherein said information transmitting step comprises transmitting information about scenery.* However, Butnaru et al. teaches wherein said information transmitting step comprises transmitting information about scenery (column 7 lines 36-67: the examiner views this limitation as the message that is received can represent what is going to on the television). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about scenery, as disclosed by Butnaru et al., incorporated into Hagle in order for the user to enjoy television.

Referring to claim 24, Hagle disclose a method according to claim 19 and transmitting information to said front portion of said at least one finger (column 3 lines 15-34). *Hagle does not disclose wherein said information transmitting step comprises transmitting information about a place.* However, Butnaru et al. teaches wherein said information transmitting step comprises transmitting information about a place (column 7 lines 36-67: the examiner views this limitation as the message that is received can represent what is going to on the television). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about the place, as disclosed by Butnaru et al., incorporated into Hagle in order for the user to enjoy television.

Referring to claim 25, Hagle disclose a method according to claim 19 and transmitting information to said front portion of said at least one finger (column 3 lines 15-34). *Hagle*

does not disclose wherein said information transmitting step comprises transmitting information about an activity. However, Butnaru et al. teaches wherein said information transmitting step comprises transmitting information about an activity (column 7 lines 36-67: the examiner views this limitation as the message that is received can represent what is going to on the television). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about the activity, as disclosed by Butnaru et al., incorporated into Hagle in order for the user to enjoy television.

Referring to claim 30, Hagle discloses a method according to claim 28. *Hagle does not disclose further comprising using said thumb to receive information about at least one of safety alerts, general alerts, and general information.* However, Butnaru et al. teaches further comprising using said thumb to receive information about at least one of safety alerts, general alerts, and general information (abstract: siren, column 4 lines 15-19 & lines 47-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include alerts, as discloses by Butnaru et al., incorporated into Hagle in order to let the handicap know whether a police siren is heard.

Referring to claim 39, Hagle discloses a method according to claim 1. *Hagle does not disclose wherein said visual image is part of a television program containing sound and said handicapped person is a deafblind person and wherein said method further comprises transmitting information about dialogue being spoken by characters on said television program to said deafblind person.* However, Butnaru et al. teaches wherein said visual image is part of a television program containing sound (column 1 lines 63-

67) and said handicapped person is a deafblind person (column 1 lines 13-16) and wherein said method further comprises transmitting information about dialogue being spoken by characters on said television program to said deafblind person (column 7 lines 36-40).

Referring to claim 40, Hagle, as modified by Butnaru et al., discloses wherein said information about said dialogue is transmitted by a keypad contacting fingertips of said deafblind person and said key word is delivered to said deafblind person through a plurality of impacts on a palm of a hand of said deafblind person (Fig. 1 of Hagle).

Referring to claim 41, Hagle, as modified by Butnaru et al., discloses further comprising transmitting information about motion of said visual images to said deafblind person through a plurality of impacts on said palm (column 2 lines 50-53 of Hagle).

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagle in view of Chung-Piao (U.S. Patent Number 5,177,467). Referring to claim 29, Hagle discloses a method according to claims 28. *Hagle does not disclose further comprising using said thumb to perform at least one of call for help, call for person, and ask questions.* However, Chung-Piao teaches further comprising using said thumb to perform at least one of call for help, call for person, and ask questions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a call for help, as disclosed by Chung-Piao, incorporated into Hagle in order to provide a warning alarm for emergency call for help.

9. Claims 33, 34, 65 & 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagle in view of Nissen (U.S. Publication Number

2004/0098256). Referring to claims 33 & 65, Hagle discloses a method according to claims 1 & 42. *Hagle does not disclose further comprising transmitting information about grammatical tense to at least one finger of at least one hand.* However, Nissen teaches further comprising transmitting information about grammatical tense to at least one finger of at least one hand (paragraphs 0014, 0022, 0023, 0079 & 0082). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting information about grammatical tense to at least one finger of at least one hand, as disclosed by Nissen, incorporated into Hagle in order to have direct communication with or between deafblind people.

Referring to claim 34, Hagle, as modified by Nissen, teaches further comprising said transmitting step comprises transmitting grammatical tense information to a back of a pinky of said at least one hand (paragraph 0023).

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boyd (U.S. Patent Number 4,519,781) teaches a teaching tool in the form a glove.

Kramer et al. (U.S. Patent Number 5,047,952) teaches a communication system for deaf, deaf-blind, or non-vocal individuals using instrumented glove.

Troudet (U.S. Patent Number 5,507,649) teaches an adaptive system based on indicia applied to the fingers for touch-typing training.

Johnson (U.S. Patent Number 6,617,366) teaches a system and method for enhancing human communications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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